



KASIM REED
MAYOR


CITY OF ATLANTA
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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-54 for 1390 Northside Drive, 638 Green Street, and 611, 621, 637, and 647 Hoke Street N.W.

DATE: February 20, 2014

The applicant requests to rezone property from the **I-1 (Heavy Industrial)/Beltline Overlay District** to the **MR-4A (Multi-family Residential)/Beltline Overlay District**, for the development of 114 residential units.

FINDINGS OF FACT:

- property location: The property is located in the Berkeley Park neighborhood of NPU-D.
- property size and physical features: The subject site consists of 6 parcels that total approximately 2.51 acres, and are zoned I-1. The majority of the site is open and vacant with scattered trees and unkempt vegetation, but there are 3 vacant structures remaining, which will be demolished – a closed gas station on Northside Drive, a closed two-story commercial building fronting Hoke Street, and a single-family house which fronts Green Street. The topography of the site steadily declines beginning from the east portion, which fronts Northside Drive, to the west portion of the site.
- CDP land use map designation: Very High Density Residential.
- current/past use of property: The site is currently abandoned, and there are no active uses. The building fronting Hoke Street was formerly office space, the building fronting Northside Drive was formerly a gas station, and the building fronting Green Street was formerly a single-family house.

- surrounding zoning/land uses: The adjacent properties to the north, south, east and west are also zoned I-1, but their CDP land uses range between very high density residential, mixed-use, commercial, and some industrial. The existing land uses are a bar, office space, a liquor store, a self-storage facility, and warehouse space.
- transportation system: There are significant amounts of Marta bus stops located along North Avenue to the east, and 17th Street to the south, which are major corridors.

PROPOSAL:

This project consists of a proposed multi-family building consisting of 119,605 sq. ft., which will include 2 stories along Green Street and Northside Drive, and 4 stories along Hoke Street.

Density and Open Space Requirements:

Gross Lot Area:	121,347 square feet
Maximum F.A.R. allowed (residential):	1.49
Maximum density allowed (residential):	180,807 square feet
Proposed F.A.R. (residential):	0.986
Proposed Density (residential):	119,605 square feet
Usable Open Space Required:	48,539 square feet
Usable Open Space Proposed:	48,539 square feet
Required Parking:	114 spaces
Proposed parking:	119 spaces

CONCLUSIONS:

- (1) Compatibility with comprehensive development plan (CDP); timing of development:
The current CDP land use designation of the site is Very High Density Residential. This land use is compatible with the proposed MR-4A zoning category, and would therefore allow the application of a building permit upon the approval of the rezoning.
- (2) Availability of and effect of public facilities and services; referral to other agencies:
It appears that sewer is available to the subject property as indicated by the existing developed parcels in the area. There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.
- (3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: The subject site's geography lends it as ideal for a multi-family development by being underutilized land located between a major corridor, and the City's Waterworks Facility which has very minimal activity. Northside Drive is developed with a multitude of varying uses such as office, residential, commercial and industrial. The applicant intends to greatly enhance the site with the provision of a multi-family development under a zoning district that pays strict attention to good urbanism principles that help tie together mixed uses. This

rezoning of the subject property from I-1 should not create any negative impacts on the balance of land uses in the area.

- (4) Effect on character of the neighborhood: This proposed rezoning will positively affect the neighborhood's character by ensuring that attractive standards are made applicable to what is developed on the property. The quality of life zoning, as the name implies, highlights elements that are meant to promote more pleasurable communities to reside in. The existing decaying appearance of the site does not promote a desire to stay in the neighborhood, causing it to be weakened.
- (5) Suitability of proposed land use: The proposed multi-family residential use is suitable for this site to adopt. The current CDP Land Use of Very High Residential indicates that there is a vision for a residential use at the site instead of an industrial use, and this makes the existing industrial zoning incompatible with the property. The existing zoning prohibits residential developments from being located on the site and therefore a rezoning is required.
- (6) Effect on adjacent property: This rezoning appears that it would have a positive enhancement of the adjacent properties. The existing parcel is underutilized, and is not making a positive contribution to the surrounding neighborhood. There are vacant buildings on the site, including a dilapidated gas station fronting a major corridor, which has been shut down for well over a decade. The development could help spur the redevelopment of the adjacent properties to the north and south which also have residential and mixed-use CDP Land Uses that do not match their Industrial zoning category.
- (7) Economic use of current zoning: Although it has some economic benefit under the industrial zoning, the site is currently not providing an economic benefit to the neighborhood. Also, given its location between Northside Drive and the Waterworks facility, a residential development could be perceived as more environmentally friendly when compared to some of the allowed uses under the I-1 zoning category. A multi-family building would also be more suitable due to the multiple street frontages that offer access for residents. The adjacent area is also moving in the direction of a more mixed-use orientation that offers a better pedestrian-friendly environment, and uses that activate the streets, especially along major corridors like Northside Drive.
- (8) Tree Preservation: The applicant proposes to fully comply with tree preservation ordinance.

STAFF RECOMMENDATION: APPROVAL

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-53 for 102, 108, 112, 118, 122, 128, 136, and 144 Moreland Avenue, 1117, 1121, 1125 and 1129 Seaboard Avenue, N.W. and 146, 150, 156, 158, 162, and 166 Brantley Street, N.E., and 1150 and 1154 Wade Street, N.E.,

DATE: February 20, 2014

The applicant requests to rezone twenty (20) contiguous parcels from the **R-5 (Two-family Residential)/BeltLine Overlay District** to the **MRC-3 (Mixed Residential Commercial)/BeltLine Overlay District**.

- Property location: The subject property has approximately 300 feet of frontage on Seaboard Ave, 360 feet of frontage on Brantley St, 445 feet of frontage on Moreland Ave, and 200 feet of frontage on Wade St. The property is in NPU-N and Council District 5.
- Property size and physical features: The subject property comprises approximately 5.4 acres and is irregularly shaped. The property is composed of 20 single lots where some of the lots are presently vacant and others contain a single family residence. The site is gently sloped north to south with an overall grade change across the site of approximately 26 feet, a 3 percent slope.
- CDP land use map designation: The CDP designation for the subject property is split. A portion of the site is designated Mixed Use and a portion is designated High Density Residential. (There is a pending CDP request to change the future land use for the entire site to Mixed Use.)
- Current/past use of property: The property has been in continuous use as single family or two-family residential parcels since the late 1920s.

- Surrounding zoning/land uses: West of the property lies the Reynoldstown neighborhood. This area has a land use designation of High Density Residential near the Inman Park-Reynoldstown MARTA Station and a land use designation of Low Density Residential to the south. To the north of the subject property lies a small park, a Georgia Power substation, and a CSX/MARTA rail line. To the east across Moreland Avenue, lies the Edgewood Retail District, a large retail development that included some restaurant, residential and office space. Edgewood Retail District has a Mixed Use land use designation. South of the subject property, the properties fronting Moreland Avenue have a High Density Residential designation.
- Transportation system: The property is served by the Inman Park-Reynoldstown MARTA Station and four MARTA bus routes. The property is also served by Moreland Avenue, an arterial street on the US and state highway system.

PROPOSAL:

The applicant has proposed to rezone 20 contiguous parcels located at 102 to 144 Moreland Ave and other parcels from R-5 (Two-family Residential)/BeltLine Overlay District to the MRC-3 (Mixed Residential Commercial)/BeltLine Overlay District. The applicant has included a conceptual site plan for a multifamily residential development comprising 285 housing units, 15,000 square feet of non-residential space, and 467 parking spaces.

- (1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:**
A CDP amendment to change a portion of the site from High Density Residential to Mixed Use is a companion to this zoning request. If approved, the entire site will have a CDP future land use designation of Mixed Use. This proposal is consistent with CDP policy and the recommendations of the Moreland Ave Corridor Study adopted by City Council in 2005.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:**
The makeup of the overall surrounding area indicates that there are services available to the property as per the previous use of the property and several recent developments. There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.
- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** Staff is of the opinion that a request to rezone the subject property from R-5 to MRC-3 to facilitate a mixed use development would be suitable for this area. The zoning and site plan proposal are consistent with the recommendations of the Moreland Ave Corridor Study and the goals and policy for the City for infill development near MARTA stations.
- (4) **Effect on character of the neighborhood:** The proposed quality of life zoning district will introduce unified setbacks, new street, streetscape, and landscaping that would benefit the overall character of the neighborhood. The development would create a new mixed use development near the Inman Park-Reynoldstown MARTA Station filling an important gap in the urban fabric between the Edgewood Retail District and the MARTA Station.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** The redevelopment of the property will have a positive effect on adjacent properties. The rezoning of the existing tract to a MRC designation would have a positive effect on adjacent properties due to the need for an increase in residential and commercial uses near the Inman Park-Reynoldstown MARTA Station.
- (7) **Economic use of current zoning:** Staff does not feel that the existing property has a significant economic use far above and beyond the value of a development proposal under the MRC district. The area would be much better served by the redevelopment of the existing site with a mixed-use development compared with some of the development opportunities permitted under the R-5 zoning district.
- (8) **Tree Preservation:** Upon submittal of permits to the Office of Buildings, this proposal will be subjected to the tree ordinance.

STAFF RECOMMENDATION: **APPROVAL** subject to the following conditions:

- 1. **Site Plan and Elevations:**
 - a. The development shall be conceptually consistent with the site plan by The Preston Partnership, LLC, dated January 13, 2014 and stamped received by the Office of Planning on January 14, 2013. This condition shall not preclude the application of the MRC and Beltline Overlay District regulations and any revisions needed to comply with such regulations.
 - b. The development shall be conceptually consistent with the elevations by The Preston Partnership, LLC dated January 13, 2014 and stamped received by the Office of Planning on January 14, 2014. This condition shall not preclude the application of the MRC and Beltline Overlay District regulations and any revisions needed to comply with such regulations.
- 2. No individual commercial tenant space shall exceed 8,000 square feet.

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-18/U-05-31 for 2700 Butner Road, S.W.

DATE: February 20, 2014

Due to the end of a City Council term this application expired at the end of 2013 and is being referred back to the Zoning Review Board for review.

The applicant seeks to amend a **Special Use Permit** for a **Day Care Center** pursuant to Section 16-05.005 (1) (b) of the Zoning Ordinance to allow for the addition of a pre-engineered building on the property.

FINDINGS OF FACT

- **Property location:** The subject property fronts approximately 282 feet on the southeasterly side of Butner Road at the southeast intersection of Butner Road and Tell Road. It is in the Butner/Tell neighborhood of NPU-P, Council District 11.
- **Property size and physical features:** The subject property of 16,117 square feet is developed with a one-story stucco building that has been used as a day care center since 2005. The property is triangular in shape and the existing structure is positioned on the lot in a manner that places the northwest corner 1.7 feet away from the property line along Tell Road. The topography is relatively level but for the southeastern area of the parcel that slopes up from Tell Road. A fenced in play area is found in the northeast area of the site. A 14'x45' trailer has been placed adjacent to the play area on the south side of the property adjacent to Tell Road. Few trees are found on the property. There is a paved parking area on the north side adjacent to Butner Road and at the intersection of Tell and Butner Roads however the striping is poor and it is difficult to determine the number of parking spaces or the loading and unloading area on the site.
- **Current/past use of the property:** The property has been used for day care purposes under a special use permit since 2005. The special use permit was transferred to the applicant in 2008.

- **Transportation system:** Butner, Tell and County Line Roads are classified as local streets. The area is served by MARTA bus route #183 along County Line Road. No Sidewalks are found along any street frontages.

PROPOSAL:

The applicant requests an amendment to the site plan adopted in 2005 to allow a 14'x45' (630 SF) pre-engineered building to remain on the property. The pre-engineered building has been added to the property to separate the school age children from children 4 years of age and under. The operation of the day care will not change. The 2,223SF building and pre-engineered building will require a total of 5 off-street parking spaces along with an area for the safe loading and unloading of children. The facility also offers pick-up and drop-off services for clients that reduces the number vehicular trips to the site. Approximately 90% of the clients use this service. The applicant states the employees use public transportation.

- **Ingress and egress:** The applicant has provided a revised site plan for review. The revised site plan provides for safe loading and unloading of children that may be brought to the facility by parents.
- **Parking and loading:** The revised site plan provides for safe loading and unloading of children and 4 off street parking spaces.
- **Refuse and service areas:** No information was provided about refuse and service areas.
- **Buffering and screening:** No modifications to the property are anticipated with regards to buffering and screening.
- **Hours and manner of operation:** The day care program will operate Monday-Saturday from 6:00 a.m. until 12:00 midnight. The application is not intended to change either the hours or manner of operation.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The applicant indicates all yards and open space requirements are met.
- **Tree Preservation and replacement:** No tree removal is proposed.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the fact that the subject property has operated as a day care facility for the past eight (8) years and to Staff's knowledge without incident, the proposed ingress and egress to the property should be adequate.
- b) **Off-street parking and loading:** The parking requirement for the day care facility is one off-street parking space per 600 square feet of floor area and would require 5 parking spaces. the revised site plan only provides for 4 off street parking spaces therefore a special exception to request a reduction in the required off street parking will be required. The revised site plan provides an area for safe loading and unloading of children
- c) **Refuse and service areas:** The original staff report indicated the day care proposed to use City of Atlanta refuse services. No additional information has been provided to indicate this will change.
- d) **Buffering and screening:** The existing buffering and screening appear to be adequate.
- e) **Hours and manner of operation:** The hours and manner of operation as stated in the application are an expansion from what was noted in the original staff report. In 2005 it was noted the hours of operation to be Monday-Friday from 7am until 6pm. Furthermore the definition of a *Child Care Nursery* in the City of Atlanta Zoning Ordinance (16-29.001(7)) refers to "seven (7) or more children under the age of 17 separated from their parents or guardians during part of the day between 6:00 a.m. and 7:00 p.m.
- f) **Duration:** An indefinite duration is reasonable with conditions.
- g) **Compatibility with policies related to tree preservation:** No trees are proposed to be removed from the site.
- h) **Required yards and open space:** Required yards and open space appear to be met.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance for a Special Use Permit conditioned upon

1. A site plan similar to one entitled "Proposed Site Plan for Butner Learning Center" by Lawrence A. Martin, P.E. dated 8/6/13 last revised 11/1/13 and stamped received by the Office of Planning November 4, 2013.
2. The 3 off street parking spaces located in the west area of the site shall be signed to direct ingress from Butner Road and egress to Tell Road only.
3. The play area shall be fenced.
4. The special use permit for a day care facility shall be valid only as long as Shiwila M. Willis is the operator of the facility. The special use permit is not transferable.
5. Hours of operation shall not exceed 6:00 a.m. to 7:00 p.m. daily.
6. The pre-engineered building shall be placed on a fixed foundation.
7. No further expansion of the facility shall be permitted.

cc: James Shelby, Commissioner, DPCD



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Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator

SUBJECT: Z-12-35 for 2140 Peachtree Road, N.W., (a portion of)

DATE: February 20, 2014

An Ordinance to rezone from the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District and C-3/BL (Commercial Residential/Beltline Overlay) District to the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District for property located at (a portion of) 2140 Peachtree Road, N.W.

STAFF RECOMMENDATION: DEFERRAL-MARCH 2014

cc: James Shelby, Commissioner, DPCD



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-12-32 for 4382 Wieuca Road, N.E.,

DATE: February 20, 2014

An Ordinance to rezone from the R-3 (Single Family Residential) District to the PD-H (Planned Development-Housing) District for property located at **4382 Wieuca Road, N.E.**

STAFF RECOMMENDATION: DEFERRAL-MARCH 2014

cc: James Shelby, Commissioner, DPCD



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-24 for 3425 Browns Mill Road, S.E

DATE: February 20, 2014

An Ordinance by Zoning Committee granting a Special Use Permit for property located at **3425 Browns Mill Road, S.E.**, pursuant to Section 16-16.005 (1) (n) for a **Processing Operation Facility (recycling)**.

STAFF RECOMMENDATION: DEFERRAL-MARCH 2014

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-12-36 for 3519 Roxboro Road, N.E.

DATE: February 20, 2014

An Ordinance to rezone from the R-3 (Single Family Residential) District to the MR-3 (Multifamily Residential) District,

STAFF RECOMMENDATION: 60- DAY DEFERRAL-APRIL 2014

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-44 for 720 Donald Lee Hollowell Parkway, N.W.

DATE: February 20, 2014

An Ordinance to rezone from the I-1 (Light Industrial) and R-4A (Single Family Residential) to the C-2 (Commercial Service) District for property located at **720 Donald Lee Hollowell Parkway, N.W.**

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STAFF RECOMMENDATION: DEFERRAL-MARCH 2014

cc: James Shelby, Commissioner, DPCD